

- Application No. 10/049,623
- Reply to Office Action of March 10, 2004

### REMARKS/ARGUMENTS

Claims 1-3 and 5-22 are active in this application.

The Examiner has alleged that Claims 1-3 and 5-22 are neither enabled or described and therefore has rejected these claims under 35 U.S.C. § 112, first paragraph. These rejections are untenable for the following reasons.

The basis for the rejection is that “because the specification, while being enabling for a mixture, does not reasonably provide enablement for a gel core coated with hydrophobic particles.” Further, the Examiner has stated that “the specification does not teach a coated gellant with the outer coating being hydrophobic.” (See pages 2 and 4 of the Official Action).

Applicants respectfully disagree because the specification does, in fact, provide coating gel cores with hydrophobic particles. In particular, Applicants direct the Examiner’s attention to the specification on page 4, first paragraph which describes forming the particles and coating them with hydrophobic particles:

The water-containing powder composition of the present invention has a structure wherein hydrophobic particles are coated on the exterior surface of aqueous gel cores. This water-containing powder composition is manufactured by causing an aqueous phase ingredient to gel with a water-soluble gallant, forming the gel into particles, each serving as a core, by high speed shearing, freeze-shattering or the like, and then coating each core with hydrophobic particles.

Further details of the water content in the particles and the gallant used are described on page 4, line 15 through page 6, line 9. Methods of producing aqueous gel cores are described on page 6, lines 10-22. Hydrophobic particles used to coat the gel core are described on page 6, line 23 through page 8, line 27. The method of coating the surface of the gel powder with hydrophobic particles is provided on page 9, first paragraph:

There are no particular limitations to the method of coating the surface of the aqueous gel powder with hydrophobic particles. One example of such a method of coating comprises placing

the hydrophobic particles in a stirring vessel and adding the aqueous gel powder while stirring at a low temperature to prevent fusion or aggregation due to a rise in temperature. The stirring vessel used preferably has a jacketed with a cooling mechanism and stirring blades that rarely come in contact with the wall and bottom of the jacket.

Finally, Applicants direct the Examiner's attention to the Example section of the application and particularly page 16 "A Method of Preparation" (page 16, line 1).

Referencing the list of components in Table 1 on page 15, the Applicants describe a method whereby components 1-12 are mixed and dissolved and then combined with components 13-

16. In step C, the mixture is cooled and freeze-shattered to obtain particles of a particular diameter. These particles are then mixed in step D (i.e., coated) with components 17 and 18 in a stirring vessel while stirring to obtain a water-containing powder composition, which are coated gellants whereby the outer coating is hydrophobic. Applicants also refer the Examiner's attention back to Table 1 on page 15 and point out that the two components listed as 17 and 18 are hydrophobicized silicic acid anhydride, which are also described in the specification on page 8, lines 15-18 as being suitable hydrophobic particles for coating the gel core.

Therefore, the specification clearly enables and describes the invention claimed and as such withdrawal of both grounds of rejection is requested.

- Application No. 10/049,623
- Reply to Office Action of March 10, 2004

Applicants also request allowance of this application. Early notice of such is requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



---

Daniel J. Pereira, Ph.D.  
Registration No. 45,518

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)